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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

1033-MS1003

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on 12-6-06Signature *Jeaneaux Jordan*Typed or printed name Jeaneaux Jordan

Application Number

10/777,773

Filed

February 12, 2004

First Named Inventor

Kenneth R. Jones, et al.

Art Unit

2616

Examiner

NGUYEN, Toan D.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.
Registration number 38,342☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

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Typed or printed name

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Telephone number

12-6-2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kenneth R. Jones, et al.

Title: CONNECTION MANAGEMENT FOR DATA NETWORKS

App. No.: 10/777,773

Filed: February 12, 2004

Examiner: NGUYEN, Toan D.

Group Art Unit: 2616

Atty. Dkt. No.: 1033-MS1003

Confirmation No.: 2945

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REMARKS IN SUPPORT OF PRE-APPEAL BRIEF
REQUEST FOR REVIEW

Dear Sir:

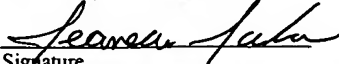
This paper is filed in response to the Final Office Action mailed September 1, 2006 (the "Final Office Action"), along with a Notice of Appeal and Pre-Appeal Brief Request for Review. Applicants respectfully request review of the following issues:

Claims 1-4, 13-16, and 19-22 Are Allowable

The Office has rejected claims 1-4, 13-16, and 19-22, at section 3, pages 2-7 of the Final Office Action, under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0057509 ("Porat") in view of U.S. Patent Application Publication No. 2003/0061321 ("Roh"). Applicants respectfully traverse these rejections.

Independent Claim 1

Porat discloses a number of data sources with each data source being linked via a signal line to its own respective user xDSL modem. (See Porat, Figure 2 and paragraph [0060]). Porat also discloses that each user xDSL modem is connected using a telephone line to a corresponding xDSL modem within a central office. (See Porat, Figure 2 and paragraph [0060]).

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Jeaneaux Jordan	
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In addition, Porat discloses that each user xDSL modem generates a wake-up signal that is sent to a wake-up detection unit in the corresponding xDSL modem at the central office in order to establish a data connection between the two modems. (*See* Porat, paragraph [0062]). Porat does not disclose detecting the presence of a powered-on network capable device that is connected to a DSL modem on a local network, as recited in claim 1. Rather, Porat discloses connections between data sources and a user xDSL modem that are not on a local network and a connection between a user xDSL modem and a central office xDSL modem that is not on a local network.

Roh does not make up for the deficiencies of Porat. Roh discloses a single client PC connected to an ADSL modem in order to provide a data connection between the client PC and a network access server. (*See* Roh, Figures 2 and 4 and paragraph [0015]). Roh does not disclose or suggest detecting the presence of a powered-on network capable device that is connected to a DSL modem on a local network, as recited in claim 1. The connection between the client PC and ADSL modem is not on a local network, and the connection between the ADSL modem and the NAS is not on a local network.

Further, Roh does not disclose or suggest releasing network resources supported by the remote network after the network connection is terminated, as recited in claim 1. Rather, Roh discloses withdrawing an IP address from the client PC. (*See* Roh, paragraphs [0049] and [0111]).

Thus, the combination of Roh and Porat does not disclose or suggest each and every element recited in claim 1. Accordingly, claim 1 is allowable. Claims 2-4 depend from claim 1. Thus, the asserted combination of Roh and Porat does not disclose or suggest at least one element of these claims, at least by virtue of their dependency from claim 1. Hence, claims 2-4 are also allowable.

Independent Claim 13

Independent claim 13 recites a DSL router including detection logic to detect the presence of a powered-on network capable device that is connected to the DSL router via a local network. The combination of Porat and Roh does not disclose or suggest this element. In addition, as asserted above with respect to claim 1, Porat and Roh do not disclose or suggest detecting the presence of a powered-on network capable device on a local network.

Thus, the combination of Porat and Roh does not disclose or suggest each and every element recited in claim 13. Accordingly, claim 13 is allowable. Claims 14-16 depend from claim 13. Hence, the combination of Porat and Roh fails to disclose or suggest at least one element of these claims, at least by virtue of their dependency from claim 13. Therefore, claims 14-16 are also allowable.

Independent Claim 19

Independent claim 19 recites a DSL router comprising a network capable device detection module configured to determine whether a powered on network capable device is connected to the DSL router on a local network. As asserted above with respect to claim 13, the combination of Porat and Roh does not disclose or suggest a DSL router. In addition, the combination of Porat and Roh does not disclose or suggest determining whether a powered on network capable device is connected to the DSL router on a local network.

Thus, the asserted combination of Porat and Roh does not disclose or suggest each and every element recited in claim 19. Accordingly, claim 19 is allowable. Claims 20-22 depend from claim 19. Hence, the combination of Porat and Roh does not disclose or suggest each and every element recited in these claims, at least by virtue of their dependency from claim 19. Therefore, claims 20-22 are also allowable.

Claims 17-18 Are Allowable

The Office has rejected claims 17-18, at section 4, pages 7-8 of the Final Office Action, under 35 U.S.C. 103(a) as being unpatentable over Roh in view of U.S. Patent Application Publication No. 2004/0109457 ("Johnson"). Applicants respectfully traverse these rejections.

Roh discloses that after a PPP session is connected between an ADSL modem and a network access server, information, such as a global IP address, local IP address, and DNS server address, is transferred to the ADSL modem regarding establishing a connection between a client PC and a remote network. (*See* Roh, paragraphs [0054] - [0059]). Roh also discloses that the ADSL modem then transfers the global IP address, gateway address, DNS server addresses, and values for lease time and lease renewal times to the client PC. (*See* Roh, paragraphs [0059] - [0062]). Roh does not disclose making a network connection over a digital subscriber line after a lease has been assigned to a network capable device, as recited in claim 17, because in Roh, a

network connection to a DSL line must be made before a lease is assigned to a network capable device. In particular, a network connection must be established in Roh before a lease is assigned to a network capable device since the lease information for a client PC is obtained by the ADSL modem from the NAS over a PPP connection. In addition, as acknowledged on page 8 of the Final Office Action, Roh does not disclose or suggest a digital subscriber line router including lease assignment logic to dynamically assign a lease to a network capable device to permit subsequent connection to a remote network, as recited in claim 17.

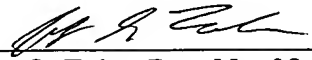
The Final Office Action relies on Johnson to make up for the deficiencies of Roh. However, Applicants submit that the teachings of Johnson and Roh teach away from the combination of these references. In particular, Roh teaches eliminating the use of NAT in providing a connection between a client PC and a network access server using a DHCP server. (See Roh, paragraphs [0030] and [0042]). In contrast to Roh, Johnson discloses configuring and managing the assignment of IP addresses to overcome the difficulties associated with implementing NAT and DHCP services on the same device to establish network connections. (See Johnson, paragraphs [0009] – [0011] and [0044] – [0045]). Thus, the teachings of Roh and Johnson teach away from the combination of these references because the removal of NAT in a system utilizing DHCP as taught in Roh would obviate the need for the system presented in Johnson to overcome certain problems caused by implementing NAT along with DHCP. Therefore, Applicants submit that the asserted combination of Johnson and Roh is improper. (See MPEP 2145 (X)(D)(2) citing *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)). Accordingly, Applicants request withdrawal of the rejections of claims 17 and 18 under 35 U.S.C. 103(a) relying on this combination of references.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that the pending claims are allowable. Applicants therefore request withdrawal of the pending rejections.

Respectfully submitted,

12-6-2006
Date



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